

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

**FILED - MQ**

March 8, 2021 11:21 AM  
CLERK OF COURT  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY: mlc SCANNED BY: [Signature]

Michael Lynn Anderson

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

v.

Timothy G. Hicks Chief Judge Pro Tem  
William C. Morfetti Chief Circuit Judge  
Nancy Waters Muskegon County Clerk

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)*

Case No. ~~03-09533-FC~~

*(to be filled in by the Clerk's Office)*

Jury Trial: ☐ Yes ☐ No  
*(check one)*

**1:21-cv-220**

Hala Y. Jarbou - U.S. District Judge  
Sally J. Berens - Magistrate Judge

**Complaint for Violation of Civil Rights  
(Prisoner Complaint)**

**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

**Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.**

**In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.**

**I. The Parties to This Complaint**

**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Michael Lynn Anderson  
All other names by which you have been known:  
\_\_\_\_\_  
\_\_\_\_\_  
ID Number 180023  
Current Institution Bellamy Creek Corr. Fac.  
Address 1727 W. Bluewater Highway, Tonica  
Mi. 48846

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Timothy G. Hicks  
Job or Title Hon. Judge  
(if known)  
Shield Number N/A  
Employer Muskegon County  
Address 990 Terrace St, Muskegon, Mi. 49442

☒ Individual capacity

☒ Official capacity

Defendant No. 2

Name William C. Marietti  
Job or Title Hon Judge  
(if known)  
Shield Number N/A  
Employer Muskegon County  
Address 990 Terrace, Muskegon MI 49442

☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name Nancy Waters  
Job or Title Muskegon County Clerk  
(if known)  
Shield Number N/A  
Employer Muskegon County  
Address 990 Terrace St, Muskegon MI 49442

☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name \_\_\_\_\_  
Job or Title \_\_\_\_\_  
(if known)  
Shield Number \_\_\_\_\_  
Employer \_\_\_\_\_  
Address \_\_\_\_\_

☐ Individual capacity ☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)  
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? *These officials conspired to defame by falsifying document to deny me access to the Court and keep hidden that Petitioner is restrained of his liberty, which deny's him right guaranteed under the 14th amendment. He has never filed a 6500 Motion which his exhibits proves the Court was aware of this fact,*

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials? *N/A*

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Timothy G. HICKS is the master mind of the conspiracy and staff corruption and I believe got the Hon Marietti involved to pressure the Clerk to produce this fraudulent and misleading document to violate the Michigan law under 750.217c to deny him access to the Court, defame Petitioner and keep hidden the abuses of discretions of Timothy G. Hicks action to allow Petitioner to be tried without the Subject-matter jurisdiction and restrain him of his liberty.

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose. The falsified document and conspiracy took place and issued by Nancy Waters in Muskegon County Building on June 4, 2018

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose. N/A

- C. What date and approximate time did the events giving rise to your claim(s) occur? Nancy Waters was contacted by both Judge around June 4, 2018 and the document issue date was on this date

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

On or about June of 2018 I sent to Muskegon County a Motion for Writ of Habeas Corpus to challenge my detention as of right, sometime after that a memo was issued telling Nancy Walters that since I am a sophisticated defendant and that i've filed successive 6500 Motions, I should not be allowed to file anything in the Courts which she stop me from doing by not even responding to me again or allowing me to file in the Court. Hon-Timothy G. Hicks issued this document along with William C. Marietti to hide my restraint of liberty, defaming me by misleading the Clerk that i've filed successive 6500 Motions when i've filed none. But is no excuse for the Clerks office because she is not a arm of the Court to do as it wants outside of the law, she could of look and seen I had not filed a 6500 Motion, which is a perticular type of Motion which has to be filed in the sentencing Court and disposed of in a perticular manner its not an every day Motion.

## V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive. Defendant Character was ~~also~~ assaulted, he was defamed, caused mental and emotional distress, denied him due process, allowed him to be illegally detained and restrained of his liberty, and allows his 4TH, 5TH, 6TH, 8TH and rule 3 and 4 of Federal procedure and denies him his rights under 14TH amendment and denies him his presumption of innocence because of Timothy G. Hicks allowing the prosecution to try a case without subject-matter jurisdiction.

## VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff seeks appointment of Counsel, an evidentiary hearing a jury trial a declaration by the Court of defamation of his character, his rights of due process was violated, that he is restrained of his liberty and illegally restrained, that these 3 had corrupt intent, violated law under 750.217c that they abuse their Oaths of office, that the Clerk Nancy Water violated her duties and created Melpractice, that these violations was a conspiracy to violate law and keep concealed Petitioners illegal restraint and deny him access to the Court and compensator nominal, and punitive damages in the amount of 3.5 million.

## VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s). *LRF*

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☒ No

☐ Do not know *These violations was done while I was in prisons but had nothing to do with the prison.*

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

E. If you did file a grievance:

1. Where did you file the grievance? *N/A*

2. What did you claim in your grievance? *N A*

3. What was the result, if any? *N A*

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: Because the actions and claims are not grievable in the institution where I am because it has nothing to do with anything they did.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any: I informed the prisons of my illegal restraint, which I did write a grievance on under Id no #LRF 16-11-0227-28e

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.) The exhibits show that Timothy G. Hick understood that I was not filing a 6500 because I explained to him not to file as that because I didn't understand how to do one and he explains that's my only option and prove he defamed me purposely.

### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

#### IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

##### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Feb, Mar 5, , 2021.

Signature of Plaintiff Michael Anderson

Printed Name of Plaintiff Michael Anderson

Prison Identification # 180023

Prison Address Bellamy Creek Corr. Fac., 1727 W. Bluewater

Hwy. Ionia, MI 48846

City State Zip Code

Michael Anderson #180023  
Bella my Creek Corr. Fac.  
1727 W. Bluewater Hwy  
Ionia, Mi 48846





Clerk  
United State District Court  
330 Federal BLDG  
P.O. Box 698  
Marquette, Mi 49855

